UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Felicia M. Desimini (Plaintiff,)

     v.

John F. Durkin Jr.

Wilson Bush Durkin & Keefe PC   Civil Action No. 1:14-cv-00112-JD

(Defendants.)   Motion to Withdraw Claim of Punitive Damages

MOTION TO WITHDRAW CLAIM OF PUNITIVE DAMAGES

Felicia M. Desimini (Desimini) respectfully moves, Pursuant to Rule 7(b) of the Federal Rules of

Civil Procedure, to withdraw her claim for Punitive Damages.

I. FACTS AND PROCEDURAL STATUS

Desimini, filing pro se, researched malpractice cases on the New Hampshire Supreme Court

website and found several which allowed exemplary damages and also found other cases which

allowed for enhanced compensatory damages. Desimini not knowing the difference pleaded both

claims for damages as they seemed appropriate in this instance.

Defendants, represented by a well-staffed law firm, have recently filed DEFENDANTS'

MOTION FOR JUDGMENT ON THE PLEADINGS REGARDING PUNITIVE DAMAGES.

Plaintiff has reviewed said pleading, researched the applicable law and concurs with the

Defendants: New Hampshire has outlawed Punitive Damages unless they are statutorily provided

for. Desimini has not found any statutory authority in this instance which allows for punitive damages.

II. Argument

Plaintiff wishes to use the court's time more efficiently and has no argument.

III. CONCLUSION

Plaintiff respectfully requests that this honorable court GRANT her motion to withdraw her claim C as pleaded;

"C. Award exemplary damages proved by Desimini as to all these claims;"

Respectfully submitted,

Date: June 22, 2014

/s/ *Felicia M. Desimini*
FELICIA M. DESIMINI in pro se

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CERTIFICATE OF SERVICE

I, Felicia M. Desimini, hereby certify that a copy of the foregoing was transmitted to Defendant's attorney(s) Joseph G. Mattson of Wadleigh, Starr & Peters, PLLC, via the ECF system, this day.

Date: June 22, 2014 /s/ Felicia M. Desimini